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7 May 1947

The Director

General Counsel

National Security Act of 1947

1. The following notes are submitted in connection with a discussion of problems arising in operation under the National Security Act of 1947:

a. From an administrative point of view, the primary difficulty experienced was lack of detailed enabling legislation to support CIA's unusual administrative problems. It was thought, and properly so, that so much detail should not be put in legislation of the broad policy nature of the National Security Act. This problem has now been met by submission to the Congress of detailed enabling legislation. It is believed that this Bill, as submitted, will have the support of all the executive departments and substantial support in Congress.

b. It has been generally agreed in past discussions that it would be desirable, if feasible, to have CIA's basic authorization provide for a Deputy Director as well as a Director. Such a provision was discussed again in connection with the CIA enabling act, and it was decided that in view of the current attitude towards military appointments, no such provision would be submitted. A check indicates that no practical difficulties have arisen, or are expected to arise, for lack of statutory authority for a Deputy Director.

c. In its performance of the intelligence functions outlined in the National Security Act, the primary difficulty experienced by CIA has been in certain weakness of language in paragraph 102(d) concerning the meaning of coordination of intelligence activities. There the Act states "it shall be the duty of the Agency . . . to advise the National Security Council . . . (and) to make recommendations to the National Security Council for the coordination of such intelligence activities", it has been strongly argued that this places on the Director a responsibility merely to obtain cooperation among the intelligence agencies. This weakness

of language and the ensuing controversy might have been eliminated by the insertion after the phrase, "it shall be the duty of the Agency", the following words: "and the Director is hereby empowered", or some other such phrase indicating the intent of Congress that the Director was to have a controlling voice in the coordination, subject to the direction of the National Security Council.

d. The collection functions of CIA are provided for only in the general provision, "to perform, for the benefit of existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally and to perform such other functions and duties related to intelligence affecting the National Security as the National Security Council may from time to time direct". It is known that Congress intended by these phrases to insure control of clandestine intelligence by CIA but considered that security aspects prevented its being spelled out in the language of the law. Lack of such specific direction may be considered a weakness in the National Security Act of 1947 that deserves further consideration by the Congress.

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Of necessity, certain expenditures will not comply with the requirements of normal law and Government regulations. Consequently, provision has been made for a portion of the available funds to be expendable without regard to such law and regulations, even though they are subject to routine audit and review. Furthermore, security and the exigencies of intelligence operations require that a further sum be available for expenditure without subsequent outside audit and review. For such expenditures, the Director's certification will be deemed a sufficient voucher.